

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARINA KEE,	:	CIVIL ACTION
	:	NO. 11-7789
Plaintiff,	:	
	:	
v.	:	
	:	
ZIMMER, INC.,	:	
	:	
Defendant.	:	

O R D E R

AND NOW, this **17th** day of **May, 2012**, for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that Defendant's Motion to Dismiss (ECF No. 6) is **GRANTED** and Counts I, II, III, IV, V, VI, VII, and IX are **DISMISSED** with leave to amend.¹

IT IS FURTHER ORDERED that Defendant's Motion for Leave to Reply (ECF No. 8) is **GRANTED**.²

IT IS FURTHER ORDERED that, in the event Plaintiff does not file an amended complaint, counsel for the parties shall conduct a conference pursuant to Federal Rule of Civil

¹ If appropriate, Plaintiff may amend the Complaint consistent with the Memorandum Opinion by **May 28, 2012**.

² The Court considered the substance of the Reply Memorandum in disposing of the Motion to Dismiss.

Procedure 26(f) and submit to the Court a written report outlining their proposed discovery plan by **June 10, 2012**.³

AND IT IS SO ORDERED.

s/Eduardo C. Robreno
EDUARDO C. ROBRENO, J.

³ If Plaintiff files an amended complaint, the parties are temporarily excused from the provisions of Rule 26(f) until further order of the Court.